IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2111 OF 2005

Gracy Solomon ... Petitioner

V/s.

The Principal, Our Lady of Perpetual Succour High School and ors. ... Respondents

Mr. Mihir Desai for the petitioner.
Mr. B.V. Bukhari for respondent No.1.
Mrs. S.M. Dandekar, AGP for respondent Nos. 2 & 3.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 26th September, 2006

P.C.

. The petitioner has claimed in this petition to be treated as full time Assistant Teacher from June, 2000 and also prayed for approval as full time Graduate Assistant Teacher from June, 2003 as well as arrears of salary accordingly.

2. Respondent Nos. 2 & 3 through Dy. Education Inspector by an affidavit dated 4th April, 2006 have resisted the same. The Education Inspector had sanctioned the approval of the petitioner on Under Graduate Scale as a Shikshan Sevak for a temporary period from 13th June, 2001 to 30th April, 2001. From the period 13th June, 2001 to October, 2002, no

approval was given to the petitioner in view of circular dated 17th January, 2001, as no appointment of graduate could be made on the basis of under graduate scale. In view of order dated 17.06.2006 passed by Hon'ble High Court in Writ Petition No. 1429 of 2002, the petitioner was appointed on temporary basis from 30th November, 2002, till trained Under Graduate candidate was available. The petitioner had full knowledge of the nature of appointment made by the respondents. She had in-fact given a specific undertaking that she would not seek permanency or any claim of graduate scale. The respondents had never represented that she would be made permanent and on the contrary all along it had been informed that her appointment was on adhoc basis.

3. By letter dated 25th April, 2005, the respondent-Management terminated the services of the petitioner w.e.f. 01.05.2005, as D.Ed. candidate was available to fill up the vacancy. Taking all these into account, the petitioner is not entitled for the relief as claimed. However, admittedly, the petitioner, based on the advertisement, has been appointed by respondent No. 1 on Graduate Scale as a Shikshan Sevak from 30th June, 2005. Admittedly, the

said appointment has not been approved by the Education Inspector till this date on a ground that the matter is subjudice in the Court of law. The advocates for the parties made a statement that there is no case pending or any matter is subjudice of the petitioner in the Court of law. In the facts and circumstances of the case, we direct respondent Nos. 2 & 3 to pass order of approval in accordance with law within four weeks and inform accordingly to the concerned parties.

4. Present Writ Petition is disposed of accordingly. No costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]